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| EXAMINER | | | | |
| GRAHAM, CLEMENT B | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/719,889

Applicant(s)

MILLARY ET AL.

Examiner

CLEMENT B. GRAHAM

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. Claims 1-13, 15-25 remained pending in this application.
2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-2, 6, 8-15, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claim 1 recites "tracking", "communicating with database", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 8-12, and 16-23, 25-39, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald et al (Hereinafter Fitzgerald U.S Pub: 2003/0191669 A1) in view of Fitzgerald et al (Hereinafter Fitzgerald U.S Pub: 2003/0195771).

As per claim 1, Fitzgerald discloses an integrated point of service transaction management system, use by at least one health care service provider comprising:
at least two points of service within a single provider;
at least one terminal at each of the at least two points of service at the single provider (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1) at least one transaction database for tracking, by the single health care service provider remotely from each of the at least one terminal, at least one customer of the single health care service provider, payments due from the at least one customer single health care service provider, and

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overdue payments of the at least one customer due to the single provider, (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1)

wherein the single health care service provider provides at least one new service transaction at each of the at least two points of service, and wherein each of the at least one new service transactions is rendered to at least one of the at least one customer;

wherein the at least one terminal communicates with the at least one database via at least one network to provide, within the at least one database, a tracking correlating the at least one customer and the at least one new service transaction rendered to the at least one customer.. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

Fitzerald fail to explicitly teach wherein the tracking correlates to an increased collection rate of at least one of the payments and the overdue payments .

However Fitzgerald discloses wherein said rules processor initiates application of rules derived from said rules source to process data concerning provision of said individual service to said patient by examining a billing record to determine if no payment has been made by a healthcare payer organization within a predetermined period in response to receiving said message identifying said event, and said result processor, in response to said derived result, initiates actions to collect said overdue payment.(see para 0022 and claim 5).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Fitzgerald to included wherein the tracking correlates to an increased collection rate of at least one of the payments and the overdue payments taught by Fitzgerald in order to provide a system that responds to and initiates clinical events during a patient healthcare encounter cycle to improve claim accuracy prior to claim submission to a healthcare payer institution or other entity, according to invention principles.

As per claim 2, Fitzgerald discloses wherein the single provider is a health care facility. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 3, Fitzgerald discloses further comprising a registration, wherein the registration of the customer occurs at one of the at least one terminals, and wherein said at least one database stores registration information, associated with the customer, as entered by a user of the at least one terminal. (see column 1 para 0005 column 2-4 para 0015-0026).

As per claim 4, Fitzgerald discloses further comprising an account manager, wherein the registration information stored in the at least one database is accessible and manipulable via the account manager. (see column 1 para 0005 column 2-4 para 0015-0026).

As per claim 5, Fitzgerald discloses wherein the registration is imported from a second remote database. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 6, Fitzgerald discloses further comprising a payment collection system, wherein the customer is requested to select to self pay or co-pay, and is requested to select a payment method for entry to the at least one database, by the payment collection system. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 7, Fitzgerald discloses wherein the payment method is validated in real time via the at least one network, and wherein the payment method is selected from the group consisting of cash, check, credit card, and debit card, and wherein the validation is recorded in the at least one database. (see column 1 para 0005 column 2-4 para 0015-0026).

As per claim 8, Fitzgerald discloses further comprising at least one administrator communicatively connected to each of said at least two terminals via the network, wherein the at least one database is batch updated with data from each of the at least two terminals in real time at a predetermined interval determined by the at least one administrator. (see column 1 para 0005 column 2-4 para 0015-0026).

As per claim 9, Fitzgerald discloses wherein the at least one new service rendered to the customer is written to the at least one database and correlated with the customer. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 10, Fitzgerald discloses further comprising an administrator, wherein users of the system are assigned at least one level of access in the administrator. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 11, Fitzgerald discloses further comprising a reporting system, wherein a user is provided access to the at least one database for retrieving at least one of the group consisting of customer records, service provider records, and administrative records. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 12, Fitzgerald discloses wherein the at least one terminal accepts information via at least one of a keypad, touchscreen, and card reader. (see column 1 para 0005 column 2-4 para 0015-0026).

As per claim 13, Fitzgerald discloses a computer-readable medium for an integrated point of service transaction management system, the computer readable medium having thereon resident at least one program comprising instructions, which instructions, when executed by a computer processor, perform the steps of:

accessing at least one terminal at each of at least two points of service at the single health care service provider(see column 1 para 0005 column 2-4 para 001517-0026) and providing access to at least one remote database by the single health care service provider via the at least one terminal;

wherein the single health care provider provides at least one differentiable service at each of the at least two points of service, and wherein each of said at least one differentiable service is rendered to a customer;

wherein the at least one terminal communicates with the at least one database via at least one network to track at least two of the at least one service rendered to the customer, payments due from the customer for a first of the differentiable services, payments due from a customer for a second of the differentiable services, past due payments from the customer for a first of the differentiable services, and past due payments from the customer for a second of the differentiable services, wherein the tracking (i. e, "monitoring") correlates to an increased collection rate of at least one of the payments and the past due payments.. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 15, Fitzgerald discloses further comprising registering, wherein registering of a user occurs at the at least one terminal via entry of the user into a registration system, and wherein said at least one database stores registration information of the user entered. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 16, Fitzgerald discloses further comprising managing, wherein the registration information stored in the at least one database is accessible and manipulable via the managing. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 17, Fitzgerald discloses wherein the registering is imported from a remote

foreign database. (see column 1 para 0005 column 2-4 para 0015-0026).

As per claim 18, Fitzgerald discloses further comprising a payment collecting, wherein the customer is requested to select a payment method and to self pay or co-pay, via the payment collection system, and is requested to select whether discounts are applied. (see column 1 para 0005 column 2-4 para 0015-0026).

As per claim 19, Fitzgerald discloses wherein the payment method is validated in real time via the at least one network, and wherein the payment method is selected from the group consisting of cash, check, credit card, and debit card. (see column 1 para 0005 column 2-4 para 0015-0026).

As per claim 20, Fitzgerald discloses wherein the at least one database is batch updated in real time at a predetermined interval. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 21, Fitzgerald discloses wherein the at least one service rendered to the customer is written to the at least one database. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 22, Fitzgerald discloses further comprising administrating, wherein users of the system are assigned at least one level of access within the administrating, and wherein the administrating monitors the at least one database. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 23, Fitzgerald discloses further comprising reporting, wherein said user may access the at least one database for retrieving at least one of the group consisting of customer records, service provider records and administrative records. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 24, Fitzgerald discloses wherein the at least one terminal accepts information via at least one of a keypad, touch screen, and card reader. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

As per claim 25, Fitzgerald discloses an integrated point of service patient transaction management system, comprising:
at least two points of service within a single health care service provider;
at least one terminal at each of the at least two points of service at the single provider, wherein

a patient service is offered at a first of the terminals, and wherein a non-patient service is offered at a second of the terminals(see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

and at least one transaction database for tracking, remotely from each of the terminals, at least one customer of the single health care service provider, and at least one transaction selected from the group consisting of patient service payments due from the at least one customer at the single health care service provider, non- patient service payments due from the at least one customer at the single health care service provider, overdue non-patient service payments of the at least one customer due to the single provider, and overdue patient service payments of the at least one customer due to the single provider(see column 1 para 0005 column 2-4 para 001517-0026 and column 7 claim 1) wherein the terminals communicate with the at least one database via at least one network to provide, to the health care service provider, within the at least one database, a tracking (i. e, "monitoring") correlating the at least one customer to the at least one transaction. (see column 1 para 0005 column 2-4 para 0015-0026 and column 7 claim 1).

Conclusion

RESPONES TO ARGUMENTS

5. Applicants arguments filed 12/21/2007 has been fully considered but thry are moot in view of new grounds of rejections.
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

/Frantzy Poinvil/

Primary Examiner, Art Unit 3692

CG

March 11, 2008